



Commissioner for Trademarks
P.O. Box 1451
Alexandria
VA 22313-1451

October 14, 2013

Express Mail

NOTICE OF OPPOSITION

Application Serial No. 79,117,898 for the mark "EDGE"
In the name of Razer (Asia-Pacific) Pte Ltd

Dear Sir or Madam,

Please find attached our Notice of Opposition in respect to the above referenced trademark application. We ask that this Opposition be considered, and opposition proceedings be commenced, should our timely filed Letter of Protest of June 25, 2013 not be granted.

We are concerned that we have still not had a response to either our June 25, 2013 letter of protest, or our June 25, 2013 First Request For 90-Day Extension of Time To Oppose For Good Cause. We trust, though, that both our June Letter of Protest and the accompanying Request for Extension of Time to Oppose are just slow being processed. Certainly they were both timely filed, as is proven by the attached copies that include proof of service and filing of each document in a timely manner.

Naturally, we trust our Letter of Protest will be granted and the instant application be placed back in a pre-publication, suspended status with our various EDGE marks cited against it. But should that decision not be made in our favor, then we ask the attached Opposition be processed and opposition proceedings commence forthwith. We enclose a check for \$600 (being \$300 per class for two classes).

Sincerely,

Dr Tim Langdell
CEO.

A handwritten signature in black ink, appearing to read "Tim Langdell", written over a horizontal line.



10-15-2013

U.S. Patent and Trademark Office #72

EDGE Games, Inc.,
530 South Lake Avenue, 171, Pasadena, California, 91101
T: 626 449 4EDGE F: 626 844 4EDGE W: www.edgegames.com E: corp@edgegames.com

COVER SHEET FOR OPPOSITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name: Edge Games, Inc.

Should have been granted to Date of extension: 10/16/2013

Address: 530 South Lake Avenue 171

Pasadena, CA 91101

UNITED STATES

Correspondence information:

Dr Tim Langdell

CEO

Edge Games, Inc.

530 South Lake Avenue 171

Pasadena, CA 91101

UNITED STATES

uspto@edgegames.com, tim@edgegames.com Phone:6264494334

Applicant Information:

Application Serial No: 79/117,898

Publication date: June 18, 2013

Opposition Filing Date: 10/14/13

Opposition Period Ends: 10/16/2013

Applicant: RAZER (ASIA-PACIFIC) PTE LTD

Address: 514 Chai Chee Lane #07-05

Singapore 469029

Goods/Services Affected by Opposition:

Class 009.

All goods and services in the class are opposed, namely: computer tablet; computer keyboards and keypads adapted for use with computer tablet; batteries and power supplies for the aforementioned goods

Class 028.

All goods and services in the class are opposed, namely: computer and video game controllers adapted for use with computer tablet

Grounds for Opposition: False suggestion of a connection, Trademark Act section 2(a)

Priority and likelihood of confusion, Trademark Act section 2(d)

Dilution, Trademark Act section 43(c)

Other On the grounds that Opposer Edge Games has extensive common-law rights in the mark "EDGE" for substantially the same goods and services, based on continuous use in

U.S. Commerce since 1984 which common-law rights substantially predate any rights that Applicant may claim to have. Applicant is also relying on a Singapore registration that does not draw a distinction between 1A and 1B - intent to use or actual use. Applicant has not actually used the mark for all or some of the goods and services stated, in U.S. commerce, and has no bone fide intention to use the mark. This application is likely to be cited against our later applications and, if granted, would cause us harm by potentially denying us the right to register our own mark.

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.: **85147499**

Application Date: 10/07/2010

Word Mark: **EDGE GAMES**

Goods/Services:

Class 009 First Use: 20031231 First Use In Commerce: 20031231

Computer game programs; Computer game software; Computer game software downloadable from a global computer network; Computer game software for use on mobile and cellular phones

U.S. Application No.: **85891791**

Application Date: 04/01/2013

Word Mark: **EDGE PC**

Goods/Services:

Class 009 First Use: 19980107 First Use In Commerce: 19980107

Computer hardware; Computer hardware and peripheral devices; Computers and computer hardware; Desktop computers; Entertainment system comprising a computer, multiple image display screen, multiple input devices and a printer; Handheld computers; Handheld personal computers; Laptop computers; Netbook computers; Notebook computers; Personal computers; Personal digital assistant computers; Tablet computer

U.S. Application No.: **85891810**

Application Date: 04/01/2013

Word Mark: **EDGE GAMING PC**

Goods/Services:

Class 009 First Use: 19980107 First Use In Commerce: 19980107

Computer hardware; Computer hardware and computer peripherals; Computers and computer hardware; Desktop computers; Entertainment system comprising a computer, multiple image display screen, multiple input devices and a printer; Handheld computers; Handheld personal computers; Laptop computers; Netbook computers; Notebook computers; Personal computers; Personal digital assistant computers; Tablet computer

U.S. Registration No.: **3381826**

Application Date: 02/05/2006

Registration Date: 02/12/2008

Word Mark: **GAMER'S EDGE**

Goods/Services:

Class 009 First Use: 19860601 First Use In Commerce: 19860601

Computers; computer hardware; computer peripherals; computer games software; plug-on computer interface boards; computer accessories, namely, keyboards, mice, player-operated electronic game controllers for computers and electronic video game machines, computer memories, headphones, augmented reality headsets for use with computers and video game machines, virtual reality headsets for use with computers and video game machines, storage disc cases, video display and capture cards, sound cards, audio speakers, web-cameras, carrying cases and bags, all for carrying portable computers or computer accessories; video game software; video game consoles, namely, video game machines for use with televisions and video monitors; video game accessories, namely, joysticks made for video games, video game interactive control floor pads and mats, and video game interactive remote control units; video game peripherals, namely, external hard drives for computers and video game machines and other storage devices in the nature of plug-in memory devices that attach to the USB port which are commonly known as "flash drives" or "thumb drives" and video adapters in the nature of adapters which convert the video output of the computer or video game machine to the video input of a monitor or television; set top boxes, cable modems, dsl modems

U.S. Registration No.: **3105816**

Application Date: 01/29/2003

Registration Date: 06/20/2006

Word Mark: **EDGE**

Goods/Services:

Class 016 First Use: 19850106 First Use In Commerce: 19850106

printed matter, namely, comic books, comic book reference guide books, books featuring stories in illustrated forms, graphic novels, comic strips, picture postcards, comic postcards, printed postcards, novelty stickers, decals, bumper stickers, note cards, note paper, stationery folders, computer magazines, video game magazines, magazines and posters about interactive entertainment; writing instruments, namely, pencils, ball point pens, ink pens

U.S. Registration No.: **3559342**

Application Date: 03/22/1996

Registration Date: 01/13/2009

Word Mark: **THE EDGE**

Goods/Services:

Class 009 First Use: 19840604 First Use In Commerce: 19840604

Video game peripherals, namely, video game controllers; computers; computer accessories, namely, keyboards, mice; game controllers for computer games; memory cards; headphones; augmented reality headsets for use with computers; virtual reality headsets for use with computers; storage disc cases, namely, compact disc cases and DVD cases; video display and capture cards; audio cards; audio speakers; web-cameras; backpacks, carrying cases and bags all designed for carrying portable computers, computer accessories, and computer peripherals; video game machines for use with televisions and accessories therefore, namely, video game controllers; video game

software; computer game software, computer game software for use in location based entertainment centers

Class 016 First Use: 19930414 First Use In Commerce: 19930414

Magazines, namely, magazines in the fields of business, entertainment, popular culture and education; Magazines, namely, in the fields of computer games, video games, board games, hand-held games, interactive media, television, music, video, movie, clothing, fashion, leisure activities and lifestyle; computer and video game magazines, comic books, posters, note paper, note cards, bumper stickers, stickers, pencils, ball point pens, ink pens, stationery; folders

Class 021 First Use: 19950812 First Use In Commerce: 19950812

Mugs and cups

Class 025 First Use: 19950812 First Use In Commerce: 19950812

T-shirts, sweatshirts, jackets

Class 028 First Use: 19950812 First Use In Commerce: 19950812

Toys and playthings, namely, battery operated action toys, bendable toys, collectable toy figures, electronic action toys, electronically operated toy vehicles, fantasy character toys, mechanical action toys, modeled plastic toy figurines, model toy figures, plastic character toys, plush toys, positionable toy figures, toy action figures, toy boxes, toy figures; hand held units for playing games and accessories therefore, namely, carrying cases designed for hand-held units for playing electronic games; stand alone video game machines and accessories therefore, namely, carrying cases and covers designed for stand-alone video game machines

U.S. Registration No.: **2219837**

Application Date: 08/03/1994

Registration Date: 01/26/1999

Word Mark: **EDGE**

Goods/Services:

Class 016 First Use: 19840500 First Use In Commerce: 19840500

printed matter and publications, namely, magazines, newspapers, journals, and columns and sections within such magazines, newspapers, and journals, and pamphlets and booklets, all in the fields of business, entertainment, and education, relating to toys, games, board games, television, interactive music, and video; stationery; posters; exterior packaging for software, namely, cardboard cartons; printed paperboard inserts for plastic packaging of software; paper bags; plastic bubble packs for packaging; envelopes; and paper pouches for packaging

U.S. Application No.: **75029400**

Application Date: 12/07/1995

Word Mark: **EDGE**

Goods/Services:

Class 009 First Use: 19840500 First Use In Commerce: 19840500

computers, computer accessories, plug-in boards, peripheral devices, flash cards, set-top boxes, cable modems, computer software, computer game software, video game consoles, video game accessories, video game peripherals and video game software

U.S. Registration No.: **3713604**

Application Date: 08/03/1994

Registration Date: 01/26/1999

Word Mark: **EDGE**

Goods/Services:

Class 016 First Use: 19840500 First Use In Commerce: 19840500

printed matter and publications, namely, magazines, newspapers, journals and columns and sections within such magazines, newspapers and journals, all in the fields of business, entertainment, and education relating to computers, computer software, computer games, video games, hand-held games, interactive media

U.S. Application/ Registration No.: **NONE (COMMON LAW RIGHTS)**

Application Date: NONE

Registration Date: NONE

Word Mark: **EDGE**

Goods/Services:

Computer games, computer game hardware, electronic magazines and online magazines, organization of online computer game competitions, online clubs involving computer game players, printed matter relating to computer games including packaging, promotional materials and manuals.

U.S. Application/ Registration No.: **NONE (COMMON LAW RIGHTS)**

Application Date: NONE

Registration Date: NONE

Word Mark: **THE EDGE**

Goods/Services:

Computer games, computer game hardware, electronic magazines and online magazines, organization of online computer game competitions, online clubs involving computer game players, printed matter relating to computer games including packaging, promotional materials and manuals.

U.S. Application/ Registration No.: **NONE (COMMON LAW RIGHTS)**

Application Date: NONE

Registration Date: NONE

Word Mark: **GAMER'S EDGE**

Goods/Services:

Computer games, computer game hardware, electronic magazines and online magazines, organization of online computer game competitions, online clubs involving computer game players, printed matter relating to computer games including packaging, promotional materials and manuals.

U.S. Application/ Registration No.: **NONE (COMMON LAW RIGHTS)**

Application Date: NONE

Registration Date: NONE

Word Mark: **EDGE GAMERS**

Goods/Services:

Organization of online computer game competitions; online clubs involving computer game players.

Related Proceedings: Federal Circuit Appeal No. 2013-1530 of TTAB decision on Cancellation No. 92051465

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

| | | |
|-------------------------------|---|-----------------------------------|
| EDGE GAMES, INC. |) | |
| |) | |
| Opposer, |) | |
| |) | Application Serial No. 79/117,898 |
| v. |) | |
| |) | Mark: EDGE |
| RAZER (ASIA-PACIFIC) PTE LTD. |) | |
| |) | Opposition No. _____ |
| |) | |
| Applicant |) | |
| _____ |) | |

NOTICE OF OPPOSITION

Opposer Edge Games, Inc. ("Opposer"), for its Notice of Opposition against Application Serial No. 79/117,898 for the mark EDGE ("Applicant's Mark") filed by RAZER (ASIA-PACIFIC) PTE LTD. ("Applicant"), believes that it will be damaged by, and thus opposes, registration of the mark that is the subject matter of Application Serial No 79/117,898 (the "Application"). As grounds for opposition, Opposer alleges as follows:

1. Opposer is a California corporation with a principal business address of 530 South Lake Avenue, Suite 171, Pasadena, California 91101.

2. Upon information and belief, Applicant is a Singapore corporation with a principal place of business at 514 Chai Chee Lane #07-05 Singapore 469029.

3. Application Serial No. 79/117,898 was published in the PTO's *Official Gazette* on June 18, 2013 (over Opposer's valid Letter of Protest that it should not be published, or if published that the mark should be placed back in a pre-publication suspended status with the Opposer's various EDGE registrations and application cited against it and pending the outcome of Opposer's Appeal to the Federal Circuit; see footnote below). Opposer made a timely application for a 90-day extension of time to oppose the Application, which request should have been

granted to on or about October 16, 2013. Therefore, this Notice of Opposition is timely filed.

GROUND FOR OPPOSITION

10. Opposer (through its own commercial activity and that of its predecessors in rights and respective licensees) has made continuous use in United States commerce of the mark "EDGE" (and of the mark "THE EDGE" and a range of EDGE formative marks) for games computers, and related goods and services since first use in U.S. commerce in or about June 1998, and in respect to computer games and related goods in U.S. commerce since or about June 1984 Opposer thus has substantial goodwill in the mark "EDGE" for computer games and related goods in the U.S. market established over several decades of continuous trading both by itself and via its predecessors in rights, licensees and other authorized users of its mark(s).

11. Opposer has adopted the trademarks "EDGE" and "THE EDGE" ("Opposer's Marks") along with a family of EDGE marks ("CUTTING EDGE," "GAMERS EDGE," "EDGE GAMES," and several others) for use on its various game goods, including all of the goods and services listed by Applicant in the instant Application. Opposer is the owner of the entire right, title, and interest in and to Opposer's Marks. Opposer's Marks have been the subject of advertising and promotional efforts and has been advertised, promoted, and otherwise used in commerce throughout the United States since at least as early as 1998 for games computers, and since 1984 for computer games and have been in use in U.S. commerce at all times to the current day. Opposer thus has standing to file the instant Opposition.

12. Opposer has a trademark Application No. 85/147,499 for the mark "EDGE GAMES" which application has been stayed pending the outcome of the instant application by Applicant. Opposer's application (which it has every right to have mature to registration), is likely to be blocked by Applicant's instant application, and were the instant application to mature to the U.S.

register of trademarks then Opposer would suffer significant harm in then not being able to register its own, decades old, mark "EDGE" in the form "EDGE GAMES."

13. Videogame software and hardware and related goods and services sold in association with Opposer's Marks, arising both out of Opposer's sales and those of its predecessors in rights and respective licensees, have accounted for several tens of millions of dollars in sales since 1984 in U.S. Commerce. Opposer has sold game software and game hardware and other related goods (including all those goods and services listed in Applicants Application) under Opposer's Marks in all fifty (50) states, through traditional channels of retail trade, mail order and online electronic transactions such as those involved in purchasing games on smart phones through online stores such as Apple's iTunes, or similar electronic distribution game sales systems operated for other smart phone systems, game consoles, and PCs. Applicant, as one of the earliest companies to publish computer game software, has become associated with related goods and services such as publishing electronic computer magazines (through its relationship with The Edge Interactive Media Inc), offering online download of computer games and communities for gamers and the manufacture of game computer hardware in the United States.

14. Because Opposer's brand "EDGE" is so widely known in the computer industry via Opposer's own sales and those of its licensees Opposer's Marks "EDGE" and "THE EDGE" have become extremely well known for game computers, games, game hardware, online game magazines, online game related websites and services, and so forth. All this goes to Opposers extensive common law rights in the marks "EDGE" and "THE EDGE" and its family of EDGE formative marks, arising out of continuous commerce in the U.S. by Opposer and its licensees since 1984, with extensive use for game computes in U.S. commerce since at least 1998.

15. Opposer owns/ed the following registered marks¹ 3381826 (“GAMER’S EDGE”), 3105816 (“EDGE”), 3559342 (“THE EDGE”), 2219837 (“EDGE”), and the following applications 85147499 (“EDGE GAMES”), 85891810 (“EDGE GAMING PC”), 85891791 (“EDGE PC”) and 75029400 (“EDGE” – mistakenly indicated as abandoned on the PTO database but in process of being revived).

15. Opposer's Marks have acquired distinctiveness and secondary meaning signifying Opposer and its products. The public and trade have come to rely on Opposer's Marks to distinguish Opposer's products and services from those of others and to serve as an indicator of source for such products and services.

16. Opposer’s trademark registrations (when restored to registration upon successful appeal) are substantially earlier than Applicant’s date of application, and thus Opposer has priority. Further, Opposer’s registrations are for the same mark (“EDGE”) as well as for the essentially identical mark (“THE EDGE” – since “the” does not add distinction in this context and should thus be ignored). Similarly, Opposer’s registration for “GAMER’S EDGE” should be considered essentially identical to Applicant’s mark since the word “GAMER’S” merely describes Opposer’s and Applicant’s customers (gamers who play computer games). Opposer’s registrations also include the identical goods and services as Applicant in the instant application (games computers which include so called tablet computers), as well as goods and services directly related to computer games in classes 28 and 41. If Applicant was granted registration, then, it would own the identical mark for identical and very closely related goods and services.

¹ These four registrations currently show on the USPTO database as cancelled as a result of Cancellation proceedings number 92051465. The TTAB ruled that these four registrations should be cancelled; however that decision has been appealed to the Federal Circuit and is still currently under appeal (Case No. 2013-1530) based on the fact that the TTAB acted on an invalid court order that is patently invalid on its face. Please note, at no time has Opposer ever been ruled to have abandoned its marks or to have committed fraud on the PTO in obtaining them, thus the outcome of the Appeal will be that Opposer does once again have ownership of registrations.

17. Opposer also owns several trademark applications -- EDGE GAMES, EDGE GAMES PC, EDGE PC – all of which applications are anticipated to be stayed pending the outcome of the instant application. Opposer thus stands to be harmed if by permitting the current application to mature to the US PTO Register that then means that Opposer may not own registrations for its marks that it has made extensive use in U.S. commerce, such use appreciably pre-dating any use by Applicant by considerably more than a decade.

18. The Applicant had no bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as at the date of Application (15 U.S.C. Section 1051(b)). Applicant is relying on a Singapore trademark for priority which does not draw a distinction between intent to use (1B filing basis) and actual use (1A filing basis). Applicant has not used the mark in U.S. commerce for all the goods and services listed, and yet is in consideration for approval for registration on a 1A (actual use) basis. If Applicant *has* made any such use then it has been in clear infringement of Opposer's common law and registered rights.

19. Opposer's rights in Opposer's registered and common-law Marks are superior to Applicant's rights in Applicant's Mark. Opposer's date of first use in U.S. commerce is more than a decade prior to Applicant's claimed first use in U.S. commerce.

19. The use and registration of Applicant's Mark are likely to: (1) cause confusion in the minds of the purchasing public, and (2) cause the purchasing public to assume that the goods identified by such mark are offered by Opposer or that such goods originate with or are in some way connected to or sponsored by Opposer, which they are not, in violation of 15 U.S.c. §§ 1052(d) and 1125(a) (Trademark Act Section 2(a),(d)).

20. Allowing Applicant's mark to mature to the Register would lead to dilution (Trademark Act Section 43(c)).

21. Use and registration of Applicant's Mark will be injurious to Opposer in violation of Section 13 of the Trademark Act, 15 U.S.c. § 1063(a).

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's Mark and prays that Application Serial No. 79/117,898 be either placed back in pre-publication pending status with Opposer's registered marks cited against it (pending the outcome of the above referenced Appeal), or that it be refused, that no registration be issued thereon to Applicant, and this Opposition be sustained in favor of Opposer.

This 14th day of October 2013.

Respectfully submitted,

EDGE GAMES, INC.

A handwritten signature in black ink, appearing to read 'Tim Langdell', written over a horizontal line.

Dr. Tim Langdell, CEO
uspto@edgegames.com

EDGE Games, Inc.
530 South Lake Avenue, Suite 171
Pasadena, CA 91101
(626) 449 4334 (voice)
(626) 844 4334 (facsimile)
Opposer in *pro se*

EDGE GAMES, INC.

Opposer,

V.


RAZER (ASIA-PACIFIC) PTE LTD.

Applicant

Application Serial No. 79/117,898

Mark: EDGE

Opposition No. _____


Dr. Tim Langdell
CEO, Opposer in *pro se*



COPY

Timely filed
6/25/13

Commissioner for Trademarks
P.O. Box 1451
Alexandria
VA 22313-1451

June 25, 2013

First Class Mail

LETTER OF PROTEST

**Application Serial No.79,117,898 for the mark "EDGE"
In the name of Razer (Asia-Pacific) Pte Ltd**

Dear Sir or Madam,

Not having current Internet access to file this electronically, we are filing it in paper format via First Class Mail.

We note with very deep concern that the above referenced trademark application was permitted to go forward to publication on June 18, 2013. With equally deep concern we note that this application is for the exact same trademark (EDGE) as has been our house brand mark for 30 years in U.S. trade, and for the exact same goods and services that we are renown for. Moreover, our trademark registrations for the marks EDGE, THE EDGE and GAMER'S EDGE for these same (or essentially the same, or closely related) goods and services were not cited against this application as they should have been by any diligent, or even half-way diligent, examining attorney.

Our mark GAMER'S EDGE (Registration No. 3381826) clearly should have been cited against this 898 application since this registration is for:

Computers; computer hardware; computer peripherals; computer games software; plug-on computer interface boards; computer accessories, namely, keyboards, mice, player-operated electronic game controllers for computers and electronic video game machines, computer memories, headphones, augmented reality headsets for use with computers and video game machines, virtual reality headsets for use with computers and video game machines, storage disc cases, video display and capture cards, sound cards, audio speakers, web-cameras, carrying cases and bags, all for carrying portable computers or computer accessories; video game software; video game consoles, namely, video game machines for use with televisions and video monitors; video game accessories, namely, joysticks made for video games, video game interactive control floor pads and mats, and video game interactive remote control units; video game

EDGE Games, Inc.,

530 South Lake Avenue, 171, Pasadena, California, 91101

T: 626 449 4EDGE F: 626 844 4EDGE W: www.edgegames.com E: corp@edgegames.com

peripherals, namely, external hard drives for computers and video game machines and other storage devices in the nature of plug-in memory devices that attach to the USB port which are commonly known as 'flash drives' or 'thumb drives' and video adapters in the nature of adapters which convert the video output of the computer or video game machine to the video input of a monitor or television; set top boxes, cable modems, dsl modems.

That is, for the exact same goods or types of goods that the instant application is seeking registration for. Moreover, our GAMER'S EDGE registration was accepted by the USPTO on the condition that we disclaimed ownership of the word "GAMER'S", and consequently our mark GAMER'S EDGE is in real terms identical to the mark "EDGE" for game computers, including for game tablets.

Similarly, our mark THE EDGE (Registration No. 3559342) is also for essentially the exact same goods and services as those applied for:

Class 09 Video game peripherals, namely, video game controllers; computers; computer accessories, namely, keyboards, mice; game controllers for computer games; memory cards; headphones; augmented reality headsets for use with computers; virtual reality headsets for use with computers; storage disc cases, namely, compact disc cases and DVD cases; video display and capture cards; audio cards; audio speakers; web-cameras; backpacks, carrying cases and bags all designed for carrying portable computers, computer accessories, and computer peripherals; video game machines for use with televisions and accessories therefore, namely, video game controllers; video game software; computer game software, computer game software for use in location based entertainment centers.

Class 28 Toys and playthings, namely, battery operated action toys, bendable toys, collectable toy figures, electronic action toys, electronically operated toy vehicles, fantasy character toys, mechanical action toys, modeled plastic toy figurines, model toy figures, plastic character toys, plush toys, positionable toy figures, toy action figures, toy boxes, toy figures; hand held units for playing games and accessories therefore, namely, carrying cases designed for hand-held units for playing electronic games; stand alone video game machines and accessories therefore, namely, carrying cases and covers designed for stand-alone video game machines.

It is well established in US Trademark Law that the word "the" does not carry distinction such as to make the word accompanying it distinct from that word on its own (except in extremely rare cases, none of which apply here). Thus the mark THE EDGE is in real terms identical to the mark EDGE, and consequently our registration is identical to the mark that Razer is seeking to register here, for the same goods and services.

Similarly, our various EDGE registrations (1853705, 2219837, and 3105816) and our 1995 application for EDGE in class 09 that mistakenly shows as abandoned (Serial No. 75029400) are all for the exact same goods and services as applied for here by Razer, or are for extremely closely related goods and services (computer games related) that are marketed and sold through the same channels of trade. Examination of the class 09, class 28 and related class 16 descriptions for our registrations shows that the instant application, if permitted to mature to the Register, would directly conflict with our existing registrations and hence should clearly not be permitted:

Class 09 computers, computer accessories, plug-in boards, peripheral devices, flash cards, set-top boxes, cable modems, computer software, computer game software, video game consoles, video game assessories, video game peripherals and video game software.

Class 28 computer game programs; namely, interactive entertainment software programs intended for private use in the home and designed for use with electronic devices which involve some form of central processing unit, memory storage capability, a visual display device, and a control device enabling the user to interact with the visual information displayed.

Class 16 printed matter and publications, namely, magazines, newspapers, journals, and columns and sections within such magazines, newspapers, and journals, and pamphlets and booklets, all in the fields of business, entertainment, and education, relating to toys, games, board games, television, interactive music, and video; stationery; posters; exterior packaging for software, namely, cardboard cartons; printed paperboard inserts for plastic packaging of software; paper bags; plastic bubble packs for packaging; envelopes; and paper pouches for packaging

Class 16: printed matter, namely, comic books, comic book reference guide books, books featuring stories in illustrated forms, graphic novels, comic strips, picture postcards, comic postcards, printed postcards, novelty stickers, decals, bumper stickers, note cards, note paper, stationery folders, computer magazines, video game magazines, magazines and posters about interactive entertainment; writing instruments, namely, pencils, ball point pens, ink pens.

And in this case the mark is identical to the applied for mark (EDGE).

Further, we have two applications in process at the USPTO, neither of which we will be permitted to have mature to the Register were this instant application by Razer to be permitted, even though we have priority of rights and every right to protect the EDGE mark with these newer applications. These applications are for the exact same goods as applied for here, and are EDGE PC for game computers and tablets (Serial No.

85891791) and EDGE GAMING PC for game computers and tablets (Serial No. 85891810). These applications cover the following goods and services:

*Class 09 Computer hardware; Computer hardware and computer peripherals; Computers and computer hardware; Desktop computers; Entertainment system comprising a computer, multiple image display screen, multiple input devices and a printer; Handheld computers; Handheld personal computers; Laptop computers; Netbook computers; Notebook computers; Personal computers; Personal digital assistant computers; **Tablet computer.** (our emphasis)*

Clearly, these goods and services are identical to those applied for by Razer here. Moreover, in applying for these marks we are declaring we are not owning rights either in the word PC or in the phrase GAMING PC, separate from the core mark EDGE, and consequently both of our newer applications are in real terms for the mark EDGE for game tablets – which is precisely what the Singapore company Razer are applying for here.

Our registrations should have been cited against the instant 898 application

At the time the initial Office Action was sent to the 898 applicant in October 2012, clearly all of the above EDGE registrations, and the much earlier (1995) 400 application, owned by us for computer games and game computers should have been cited against this application stopping it from being permitted to go forward to publication.

Wrong Cancelled Status Of Our Marks / Cancellation No. 92051465

The status of the 400 application as canceled (abandoned) is a mistake since this application should have a status as approved for publication. This application was supposed to be stayed with another earlier-filed application for the mark EDGE cited against it. But due to a clerical error by the PTO, this application was mistakenly placed in abandoned status when the stay was in place. We have been repeatedly promised that this error will be corrected, and of course we trust this will indeed eventually be corrected since it was clearly a PTO clerical error that must be dealt with regardless of the passage of time given that we have consistently followed up since the moment it was mistakenly placed in abandoned status in error. This 400 application thus being for the same mark for essentially the same goods (or directly related goods) should clearly be cited against the instant application such that the instant application has a Final Office action against it.

As to the other five marks that were canceled as a result of the outcome of the 92051465 Cancellation Proceeding, that decision by the TTAB is currently actively under appeal before the Federal Circuit, and this instant application should be stayed pending the outcome of that appeal. Our marks should have been cited against this application preventing it from going forward to publication, and the fact that the marks are temporarily showing as canceled should not have permitted this mark to be published.

The cancelation of our marks under this cancelation proceeding is clearly a clerical error by the TTAB, as we are confident the Federal Circuit will confirm – and it is unjust and inequitable to require us to oppose the instant application when it should remain in a pending status awaiting a reversal of the TTAB's clerical error.

In sum, for all the above reasons, the instant application should not have been permitted to go forward to publication and we ask that it be placed back in a pre-publication suspended status, with our various EDGE registrations and application cited against it.

Finally, please note our concurrently filed First Request for 90-Days Extension of Time In Which To Oppose regarding this application. Clearly, we should not be required to incur the costs or time in filing an opposition while this Letter of Protest is being considered given that we trust it will be granted and hence the Opposition will not be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Langdell', written over the word 'Sincerely,'.


Dr Tim Langdell
CEO.

Certificate of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of this LETTER OF PROTEST IN RESPECT TO TRADEMARK APPLICATION SERIAL NO. 79,117,898 was filed with the Trademark Office and served on the following party(ies) of record, by depositing same in the U.S. Mail, first class and international airmail postage prepaid, this 25th of June 2013:

Commissioner for Trademarks
P.O. Box 1451
Alexandria
VA 22313-1451

RAVINDRAN ASSOCIATES
Raffles City P O Box 2988
Singapore 911799
SINGAPORE


Cheri Langdell

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: Razer (Asia-Pacific) Pte Ltd
Application Serial Number: 79117898
Application Filing Date: 10/4/2012
Mark: EDGE
Date of Publication: 6/18/2013

COPY
Timely filed
6/25/13

First 90 Day Request for Extension of Time to Oppose for Good Cause

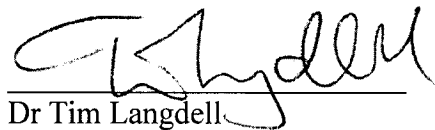
Pursuant to 37 C.F.R. Section 2.102, The Edge Interactive Media Inc, 530 South Lake Avenue 171, Pasadena, CA 91101, UNITED STATES, a corporation organized under the laws of CA, potential opposer Edge Games Inc. respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- The potential opposer needs additional time to confer with counsel
- The potential opposer needs additional time to seek counsel to represent it in this matter
- Potential opposer has filed a valid Letter of Protest requesting that the said application be placed back in pre-publication, pending suspended status for good reason and consequently potential opposer should not be put to the costs or time and trouble of filing an opposition to this application until the outcome of the Letter of Protest is known.

The time within which to file a notice of opposition is set to expire on July 18, 2013. Edge Games Inc. respectfully requests that the time period within which to file an opposition be extended until October 16, 2013 (or 90-days from the expiration of the initial 30-day period of time to oppose, if this date is not that date).

Respectfully submitted,



Dr Tim Langdell

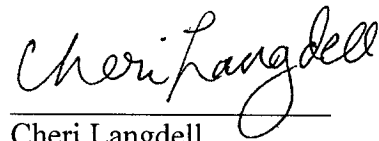
June 25, 2013
Dr Tim Langdell
CEO
Edge Games Inc
530 South Lake Avenue 171
Pasadena, CA 91101
UNITED STATES
uspto@edgegames.com, tim@edgegames.com Phone: 626-449-4334

Certificate of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of this FIRST REQUEST FOR EXTENSION OF TIME TO OPPOSE IN RESPECT TO TRADEMARK APPLICATION SERIAL NO. 79,117,898 was filed with the Trademark Office and served on the following party(ies) of record, by depositing same in the U.S. Mail, first class and international airmail postage prepaid, this 25th of June 2013:

Commissioner for Trademarks
P.O. Box 1451
Alexandria
VA 22313-1451

RAVINDRAN ASSOCIATES
Raffles City P O Box 2988
Singapore 911799
SINGAPORE


Cheri Langdell